



SEP 17 2002

United States Patent Application

Name of Invention: Blind Choice

A Marble and Dice Game

Inventor: Jack Martin

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Westminster, CA 92683

United States Citizen

Application Number: 09/931,628

Art Unit # 3713

Filed: August 14, 2001

Primary Examiner: Alex P. Rada

#12 Response w/ Drawing & Declaration  
W. M. Orga -  
9/30/02

**REMARKS**

In response to the primary examiners' (Alex P. Rada) letter of 7-30-02, section 9&10, I would like to present an argument showing the disagreements I have with the examiner's conclusion. In his letter of 7-30-02, section 9, the examiner makes reference to a patent application by Mclellan, patent # 5,246,230 and states that my invention, Blind Choice, application # 09/931,628 is similar to Mclellan's and therefore unpatentable. However, I must point out that all game boards are similar in appearance at first. They are for the most part semi-rigid cardboard, square in shape with either indentations or marked areas for game pieces, marbles, tokens, ect... What makes each invention different is the appearance or presentation of the individual board game secondary, but primarily it is the object or rules of the game that differentiates it from other Board Games.

A. I would like to address the secondary aspect of the similarities first. The similarities between Mclellan's patent and my invention are (1) the square game board, (2) circular indentations; (3) colored sections, (4) marbles, and (5) a cloth bag, but that is where the similarities end.

(1)&(2) although both game boards are square, Mclellan's consists of 100 indentations while my invention consists of 109 indentations.

(3) Mclellan's game board may consist of various colored sections his sections are divided into concentric sections while my invention is divided into four different colored triangular sections with 2 inner circles connecting all triangular sections.

(4) Mclellan's game board consists of 75 markers (marbles) while my invention consists of 109 marbles of six different colors which are blue, red, green, yellow, black and white.

(5) Mclellan's patent involves the use of one marble bag in which a randomly withdrawn. My invention also uses a marble bag, but it is used in conjunction with a die in order to determine the amount of marbles taken from the bag.

B. The primary differences between Mclellan's patent and my invention are the object of play, in other words, the rules.

(1) In Mclellan's patent the rules are a complex set of strategies for one player. Although the complexity of the rules are not in question, the object of them are; for the

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**object is basically to allow a lone or single player to complex a game of solitaire. There is neither any competition against nor interaction with other players, thus limiting the appear of the game.**

**(2) In my invention the rules of the game are designed for 2 to 4 players. The rules were specifically designed not to be complex but instead to be simple enough for children yet challenging enough for adults.**

**(3) In Mclellan's board game the single player withdrawals a marble from the bag and places it on the board in a prescribed manner, one marble at a time. In my game each player rolls the die to determine how many marbles to take from the bag. The rules of my game, although simple, allow for excitement of play among players. For instance, my game includes wild marbles which Mclellan's board game does not.**

**Although the object of both games is to get all the marbles on the board to win, neither game is similar after that point. Mclellan's game requires all 100 marbles to be placed on the board. In my game a player only has to get their own colored marbles on the board (which consists of twenty-five marbles of their own color) while using the wild marbles to keep their opponents marbles off the table.**

**(4) Mclellan's patent is a game for one player. Basically a game of solitude. While my invention is a game for 2 to 4 players. It is not a game of solitude but instead is a game of social interaction. This is one of the stronger aspects of the game; it is a game not only of competition but also of social connections.**

**(5) It should be apparent that Mclellan's patent utilizes only lock and chance while my invention utilizes luck and chance but also skill, competitive and social interaction and enjoyment. My invention also uses an entirely different set of rules than Mclellan's. It is my observation that although both game boards may be slightly similar in appearance only, it is the rules of each game that completely set them apart.**

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The primary examiner (Alex P. Rada) has also compared my invention to an application by Taylor, patent application # 853,455. It was noted that Taylor's game board was similar enough to mine to cause my application to not be considered original enough to grant a patent. I would like to point out the following differences: (1) my game board is square in shape. Taylor's is octagonal in shape. (2) Taylor's apparatus uses cylindrical markers while my game board uses different colored marbles. (3) Taylor's game board consists of a storage zone and a starting zone. My game board does not utilize these. (4) Taylor's game board also contains a centrally located die-agitating device. My game board does not contain this device.

1

(A) Taylor's game board is an eight-sided board with 264 indentations. My game board is square in shape and utilizes only 109 indentations.

(B) While both game boards have four play zones. Taylor's play zones are square in shape and form a T-shape overall. My play zones are triangular in shape and each zone is a different color consisting of blue, red, green and yellow.

(C) Each zone on my game board consists of twenty-five indentations while each zone on Taylor's game board consists of 66 indentations.

2

(A) Taylor's apparatus consists of 120 cylindrical pieces (pegs) which are placed on the game board at the beginning of the game. My game board consists of 109 marbles of various colors, which are kept in a bag at the start of the game.

(B) My game uses a cloth bag for marbles which Taylor's game does not.

(C) My game board utilizes two wild zones which Taylor's game does not.

3

(A) Taylor's game board consists of a starting zone and a storage zone. My game does not utilize these zones.

(B) My game utilizes four play zones. One play zone for each player plus two wild zones for the eight wild white marbles and the one black wild eliminator marble which are used in my game but not in Taylors.

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(A) In Taylor's game board a centrally located die-activating device is used. It is numbered 1 through 5 with one side blank.

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**My game board uses a standard die numbered 1 through 6 which each player rolls manually.**

**(B) A centrally located die-activating device can easily break so I have chosen to go with the more standard individual die which can easily be replaced if lost.**

**However, the primary difference between Taylor's game and mine are the rules. Taylor's rules basically utilize a centralized die for use by players to advance their markers. Although this method is slightly similar to my game, my rules allow a roll of the die to determine the number of marbles picked. My rules indicate where each marble is to be placed and most importantly my rules allow for the use of wild marbles to keep the game interesting, competitive and unique.**

**Jack Martin:**



**Date:** 9-11-02